

**From:** "Houser, Molly M."  
**To:** "Kavanaugh, Brett M."  
**Subject:** RE:  
**Sent:** Fri, 21 Oct 2005 10:42:51 -0500  
[Moot Schedule.doc](#)

This is updates as of yesterday per John Persinger.

October 21 - Friday  
9:30 a.m. – 1:00 p.m.  
Topic:  
Civil Rights

Mooters:

Gender issues (Title VII, Title IX, equal protection): Kristi Macklin  
Disability and age discrimination (ADA, ADEA): Leslie Fahrenkopf  
Voting rights: Brad Schlozman  
Other race issues (Title VII, equal protection): Jenny Brosnahan

October 24 – Monday

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Commerce Clause
- 2) Other federalism topics (state sovereign immunity/11thA; §5 14thA; 9thA & 10thA)
- 3) Art. III issues

Mooters:

Commerce Clause: Rachel Brand + Brent McIntosh\*\*  
State sovereign immunity/11thA, Congress's power under section 5 of the 14thA: Brett Gerry  
9thA, 10thA, and general Federalism questions: Bob Hoyt  
Art. III issues: Bill Kelley

\*\*Given our experience with Roberts and Specter's interest in the topic, the majority of this moot should be focused on the Commerce Clause.

October 25 - Tuesday

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Criminal Law and Procedure
- 2) Takings
- 3) Misc. topics (including 2ndA; antitrust; environment)

Mooters:

4th, 5th, and 6th Amendments: Bill Burck  
Death Penalty + 8thA + Habeas: Neomi Rao  
Sentencing and other criminal law topics + 2nd Amendment: Brent McIntosh  
Takings: Kristi Macklin  
Antitrust + Environment: Richard Klingler

October 26 – Wednesday

1:30-5:00 p.m.

Topics:

War powers, war on terror, enemy combatants, related topics

Mooters:

Executive power generally, including war powers and executive override: Dan Levin + Steve Bradbury

Enemy combatants: Raul Yanes

War on terrorism, including FISA and immigration authority: Rachel Brand + John Mitnick

October 27 - Thursday

1:30 – 4:30 p.m.

[Outside Experts]

1) Moot by outside experts (2 hours)

2) Follow-up with DOJ & WH

Outside Mooters: David Leitch (and others to be confirmed)

October 28 - Friday

All Day Moot

9:30 am	Specter	Richard Hertling
10:00 am	Leahy	Bob Hoyt
10:30 am	Hatch	Ryan Bounds
11:00 am	Kennedy	Kyle Sampson
11:30 am	Grassley	Dabney Friedrich

12:00 LUNCH

1:00 pm	Biden	Raul Yanes
1:30pm	Kyl	Beth Cook
2:00 pm	Kohl	Richard Klingler
2:30 pm	DeWine	Jennifer Brosnahan
3:00 pm	Feinstein	Neomi Rao

3:30 BREAK

4:00 pm	Sessions	Jamil Jaffer
4:30 pm	Feingold	Kristi Macklin
5:00 pm	Graham	Brent McIntosh
5:30 pm	Schumer	Rachel Brand
6:00 pm	Comyn	Leslie Fahrenkopf

6:30 DINNER

7:30 pm	Durbin	Ben Powell
8:00 pm	Brownback	Gordon Todd
8:30 pm	Coburn	Grant Dixon

9:00 END

October 31 - Monday

9:30 a.m. – 1:00 p.m.

Topic:

Bush Administration domestic policy issues

ABA House of Delegates Issues

Mooters:

Domestic Policy: Kristen Silverberg + Rachel Brand

ABA: Gordon Todd

1:30-4:30

[Outside Experts]

1) Moot by outside experts (2 hours)

2) Follow-up with DOJ & WH

Outside Mooters: Ted Olson, Brad Clark, Ted Ulyot, and Tim Flanigan

November 1 - Tuesday

9:30 a.m. – 1:00 p.m.

Topics:

1) Commerce Clause II

2) Civil Rights II

3) Personal record issues II (qualifications, role of personal religion, recusals, etc.)

Mooters:

Commerce Clause: Rachel Brand

Gender Issues + disability discrimination: Kristi Macklin

Race issues, including voting rights: Brad Schlozman

Personal Record Issues: Bill Kelley

November 2 - Wednesday

9:30 a.m. – 1:00 p.m.

Topics:

Substantive Due Process III

Judicial Philosophy II

Bush Administration policy II (including war on terror and domestic policy issues)

Mooters:

Judicial Philosophy: Gordon Todd

Substantive Due Process: Grant Dixon

Bush Administration Policy: Kristen Silverberg

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Friday, October 21, 2005 11:41 AM

To: Houser, Molly M.

Subject:

Can you send me asap the moot schedule that i sent you.

**October 14 - Friday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Judicial Philosophy
- 2) *Stare decisis*
- 3) Role of foreign law

Mooters:

Judicial Philosophy: Kristi Macklin + Brett Kavanaugh  
*Stare decisis*: Rachel Brand + Brett Kavanaugh  
Role of foreign law: Rachel Brand

**October 17 - Monday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Qualifications
- 2) Role of personal religion
- 3) First Amendment (speech; press; religion)

Mooters:

Qualifications: Courtney Elwood  
Speech (including obscenity) and Press: Rachel Brand  
Free Exercise + role of religion in judging: Ben Powell  
Establishment Clause: Dabney Friedrich

**October 18 - Tuesday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Substantive Due Process/unenumerated rights
- 2) Ethics, including recusals

Mooters:

Abortion: Kristi Macklin + Brett Gerry  
Gay rights + end-of-life issues: Ryan Bounds  
Evolution of Constitution/implied rights: Kyle Sampson  
Ethics (including recusals): Richard Painter

**October 20 - Thursday**

1:30 p.m. – 5:00 p.m.

Topics:

- 1) Separation of Powers (including deference to Congress and the Executive; administrative state)
- 2) Substantive Due Process II

Mooters:

Deference to Congress: Rachel Brand

Deference to Executive: Raul Yanes  
Congress's role vis-à-vis the Executive Branch: Dan Levin  
Substantive Due Process II: Kristi Macklin

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6:30            DINNER  
  
7:30 pm        Durbin                    Ben Powell  
8:00 pm        Brownback                Gordon Todd  
8:30 pm        Coburn                    Grant Dixton  
  
9:00            END

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Judicial Philosophy II

Bush Administration policy II (including war on terror and domestic policy issues)

Mooters:

Judicial Philosophy: Gordon Todd

Substantive Due Process: Grant Dixon

Bush Administration Policy: Kristen Silverberg